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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1962

UNITED STATES OF AMERICA ..... Appellees

vs.

CHARLES PAUL, Director of Agriculture of the State of California and STANLEY MOSK, Attorney General, State of California, ... Appellants

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

AMICUS CURIAE BRIEF FOR THE STATE OF MISSISSIPPI

JOE T. PATTERSON, Attorney General of the State of Mississippi

JOHN L. HATCHER, Attorney for the Mississippi Milk Commission

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I.

INTRODUCTORY STATEMENT

This Brief Amicus Curiae on the Jurisdictional Statement for this Cause is being submitted by the State of Mississippi, through its Attorney General, and the Mississippi Milk Commission, an agency and political subdivision of the State of Mississippi, pursuant to the provisions of Rule 42 of the Revised Rules of the U. S. Supreme Court. The State of Mississippi believes that

the determination of the legal questions involved in this case is of paramount concern to the citizens of the State of Mississippi and that to uphold the decision of the United States District Court for the Northern District of California would be contrary to the best interest of the citizens of this State. By virtue of Rule 42 (4), the consent of the United States, Appellee, to the filing of this brief is not required, and it is respectfully requested that this Court permit this brief to be filed in this Cause.

II.

THE QUESTIONS ARE SUBSTANTIAL

(1)

THE MILK COMMISSION ACT OF THE STATE OF MISSISSIPPI

On May 11, 1960, the Legislature of the State of Mississippi enacted the Milk Commission Act, the same being Sections 4560-141 through 4560-170, inclusive, Mississippi Code Annotated (1942), as amended, which created the Mississippi Milk Commission, composed of the Commissioner of Agriculture and Commerce of the State of Mississippi and six other members representing milk producers, distributors, retailers and consumers, for the purpose of carrying out the provisions of said Act and gave said Commission the power to supervise, investigate and regulate the fluid milk industry in the State of Mississippi. The Mississippi Milk Commission was given the power to fix minimum producer, wholesale, and retail prices throughout the State of Mississippi, and pursuant to said authority, the Commission has now divided the State of Mississippi into six marketing areas and has fixed minimum producer, wholesale, and retail prices within each of said marketing areas. Section 4560-155, Mississippi Code Annotated (1942),

as amended. Minimum prices are now fixed by the Mississippi Milk Commission on all milk sold within the entire State of Mississippi from the cow to the consumer.

By the adoption of the Milk Commission Act the Legislature of the State of Mississippi declared that it was the policy of this State "to promote, foster, and encourage the intelligent production and orderly marketing of fluid milk and cream; to eliminate speculation and waste, and to make the distribution thereof between the producer and consumer as efficient and economical as possible, and to stabilize the marketing of such commodities", and further that it was the purpose of the Act to eliminate certain unjust, unfair, destructive, and demoralizing trade practices being carried on in the production, transportation, processing, storage, distribution, and sale of milk, which trade practices constitute a constant menace to the health and welfare of the inhabitants of the State of Mississippi. Section 4560-141, Mississippi Code Annotated (1942), as amended.

(2)

THE REASONS FOR AND PURPOSES OF THE MILK COMMISSION ACT OF MISSISSIPPI

A review of some of the reasons for the adoption of the Milk Commission Act of the State of Mississippi, and the other milk stabilization laws of the various states, would be appropriate at this point. The question is sometimes asked as to why milk is so different from other products such as bread, meat and vegetables as to justify price regulations under the police power of the state. The characteristics of milk which distinguish it from other products are (1) its necessity, (2) its perishability, (3) the inability to regulate its supply at

the source, (4) the impracticability of its storage, (5) the financial condition of the dairy industry, and (6) its unique system of marketing. Some of these unique characteristics of milk can be easily recognized by its comparison with one of these other products, such as gasoline. Gasoline, though necessary, is not an essential item of diet, and small babies and growing children can do without it. Gasoline is not a perishable commodity and need not be delivered fresh daily, as in the case of milk. The supply of gasoline can be regulated at the source from day to day, but a cow must be milked twice daily or her production ceases permanently and not only the product is lost but her value deteriorates by irregular use. Gasoline can be stored for a reasonably long period of time when demand decreases and there is an oversupply, which is not true in the case of milk. The comparison could be extended to other products such as bread, meat and vegetables with substantially the same result.

Unlike the marketing system of other products, Grade A milk has long been marketed in such a way that the producer's income is dependent upon the utilization of his milk by the dealer or handler, over which he has no control. The producer is paid one price for milk utilized in products generally designated as Class I under federal and state milk pricing orders (or Grade A fluid milk products) and a substantially lower price for milk utilized in products generally designated as Class II under said orders (or manufactured milk products such as butter and cheese), which system of marketing existed long before any federal or state milk pricing orders came into existence in the various states. This system of marketing makes the milk producer particularly vulnerable to instability in the market at the wholesale and

retail level over which he has no control, but which vitally affects his financial return. For this reason it is absolutely essential from the producer's standpoint that minimum prices be fixed at both wholesale and retail, since instability in the market at the wholesale and retail level vitally affects his financial return. It is because of these unique characteristics of milk and its system of marketing that the dairy industry in the State of Mississippi can be destroyed by price manipulation at the wholesale and retail level in a relatively short period of time, and this distinguishes the dairy industry from other industries.

(3)

THE CONSTITUTIONALITY OF THE MILK COMMISSION ACT AND OTHER STATE MILK STABILIZATION LAWS

Recognizing these unique characteristics of milk and the reasons for the adoption of the Milk Commission Act, the Supreme Court of the State of Mississippi upheld the constitutionality of the Milk Commission Act of the State of Mississippi on April 24, 1961, in the Case of *Mississippi Milk Commission v. Vance Dairy, et al*, 129 So. 2d 642 (Miss. 1961). In this decision, the Supreme Court of Mississippi stated that milk is an indispensible food, and, in certain respects, its production, conservation and distribution are unique; that the milk industry is "affected with the public interest", and the police powers of the state may be exercised in the proper control and regulation of an industry affecting the public interest, even to the extent of fixing prices for milk in all stages and forms; and that the police powers may be exercised when necessary to regulate and provide for the safety, the health, the morals, the development of

industry the utilization of natural resources, and the general welfare of the State. Due to the fact that the Milk Commission Act and the decision of the Supreme Court of Mississippi upholding same are of recent origin, they were omitted from Appendix C of Appellant's Jurisdictional Statement filed in this cause; however, we would like to call the Court's attention to this statute and decision at this time.

From a review of the decisions of the Supreme Court of the United States, it will be seen that the highest Court in the land has directly upheld the constitutionality of the State Milk Stabilization Laws of New York, Pennsylvania and Virginia, and inferentially those of California, Indiana and Wisconsin, although certain aspects of some of these laws have been invalidated because of interference with inter-state commerce or for other reasons. *Nebbia v. New York*, 291 U.S. 502, 54 S.Ct. 505, 78 L.Ed. 940, 89 A.L.R. 1469 (1934), *Hegeman Farms Corp. v. Baldwin*, 293 U.S. 163, 55 S.Ct. 7, 79 L.Ed. 259 (1934), *Borden's Farm Products Company v. Baldwin*, 293 U.S. 194, 55 S.Ct. 187, 79 L.Ed. 281 (1934), *Borden's Farm Products v. Ten Eyck*, 297 U.S. 251, 56 S.Ct. 453, 80 L.Ed. 469 (1936), *Baldwin v. Seelig*, 294 U.S. 511, 55 S. Ct. 497, 79 L. Ed. 1032, 101 A.L.R. 55 (1935), *Milk Control Board of Pennsylvania, v. Eisenberg Farm Products*, 306 U.S. 346, 59 S. Ct. 528, 83 L. Ed. 752 (1939), *Penn. Dairies, Inc., v. Milk Control Commission*, 318 U.S. 261, 63 S.Ct. 617, 87 L. Ed. 748 (1942), *Highland Farms Dairy v. Agnew*, 300 U.S. 608, 57 S. Ct. 549, 81 L. Ed. 835 (1937), *Milk Control Board v. Crescent Creamery*, 305 U.S. 559, 59 S.Ct. 87, 83 L. Ed. 352, *State v. Marriott*, 314 U.S. 571, 62 S. Ct. 76, 86 L.Ed. 463, and *Pacific Coast Dairy v. Department of Agriculture*, 318 U.S. 285, 63 S.Ct. 628, 87 L.Ed. 761 (1943). These decisions of the Supreme Court

of the United States demonstrate that a state is authorized under its police power to adopt and enforce reasonable regulations for the economic control of the dairy industry of the state, and may delegate to an appropriate administrative agency the power to enforce such legislation and to supplement it with reasonable rules, regulations and orders designed to carry out the terms of the statutes, including the power to fix minimum and maximum prices to be paid for milk by producers, distributors, handlers and consumers.

(4)

THE PROBLEM OF SALES OF MILK TO THE FEDERAL GOVERNMENT AND ITS IMPACT UPON THE STATE OF MISSISSIPPI AND OTHER STATES

The immediate question to be determined in this case will vitally affect the application of milk pricing orders of the Mississippi Milk Commission to sales of milk by licensees of the Commission to military installations owned by the United States Government. First, the Mississippi Milk Commission would like to state that it does not intend nor is it attempting to assert jurisdiction over any military installation or any agency or instrumentality of the federal government, but that the Commission does and can assert jurisdiction over its own licensees as to the resale price which they charge to their customers. The Commission controls not only the price at which the licensee purchases milk but also the price at which said licensee sells milk to other customers, no matter who that customer may be, and the remedy provided for a violation of the orders of the Commission is directed solely against the licensee in the form of revocation or suspension of the license, or assessment of a penalty in lieu thereof.

Although the immediate question concerns only the sale of milk to military installations owned by the federal government, the decision herein rendered would have a very broad affect in that it would establish a principle which would be applicable to the sale of milk to all federal agencies and instrumentalities within the State of Mississippi and the other states of the union. When you consider not only the military installations, but also the Veterans Administration hospitals, Indian reservations, the U. S. Corps of Engineers, the concessions on national parks, and other federal agencies and instrumentalities within this state, this problem becomes one of paramount importance. A relatively large proportion of the volume of milk being sold in the State of Mississippi passes through these federal installations and unless these prices can be controlled by the Mississippi Milk Commission, serious damage would result not only to the processing plants and distributors within the state, but also to the producers, whose net income is determined by the utilization of milk at the wholesale and retail level.

A real danger to the effective enforcement of the Milk Commission Act of the State of Mississippi lies in the existing sales of milk by milk dealers to the United States at lower prices than the price required for all other sales. The route of milk from the producer to consumer is a continuous one, and the evil effect of sub-standard prices to the federal government flows backward to play its part in undermining the intelligent production and orderly marketing that the state has declared essential to the public health. A primary purpose of the Milk Commission Act is to insure a sufficient supply of wholesome milk to the consuming public and to insure an adequate return to the members of the dairy industry, which purposes cannot be accomplished unless the high

cost of maintaining sanitary standards and standards of purity at the dairy farm is returned to the producer. If the federal government is permitted to purchase milk at sub-standard prices, the immediate result will be a loss to the processing plants, distributors and producers in the State of Mississippi. This being true, the Mississippi Milk Commission, in discharging its obligation to both the dairy industry and all the inhabitants of the State of Mississippi, would inevitably be forced to eventually raise prices to the consumer in the State of Mississippi. No matter how you look at it, certain people within the State of Mississippi will be severely damaged or injured by the federal government procuring milk at sub-standard prices.

Approximately 70% of the fluid milk purchased by the United States on its military bases is sold by it through commissary stores, post exchanges and post restaurants to members of the Armed Forces, civilian federal employees residing on such bases, and their families. The remaining 30% is purchased for consumption at troop messes.

The federal defense agencies purchase milk both for consumption and for resale, with both appropriated and nonappropriated funds. Milk obtained for resale in post exchanges, post restaurants and officers' and service clubs is purchased with nonappropriated funds, that is, moneys which are derived from revolving funds established from the profits derived from the operation of these post exchanges, restaurants and clubs. Milk is purchased for resale through post commissaries from appropriated funds, with the sales price so adjusted as to furnish sufficient gross revenue to make reimbursement to the United States of the funds. The milk ob-

tained for consumption in troop messes is purchased from appropriated funds.

Post exchanges operated by the defense departments rank in dollar volume below only Sears, Roebuck & Co., J. C. Penney, Montgomery Ward and F. W. Woolworth, among retail chains. In fiscal 1959 the post exchange system made a profit of $60,000,000 on sales of $895,000,000. In addition, commissaries operated by the defense departments for fiscal 1959 did a $520,000,000 business. In both the post exchanges and the commissaries the retail sales prices are substantially below competitive private retail prices because purchasers pay no state or municipal sales taxes and because the post exchanges and commissaries pay no income taxes, have their stores built for them, spend little for advertising or promotion, and use commissioned officers in the armed forces to manage the enterprises.

This combination of freedom from local taxes, low overhead expenses, and intense competition between distributors willing to dispose of milk at by-product prices results in a resale price for fluid milk in post exchanges, service clubs and commissaries far below the comparable retail store price. To add injury, these commissaries often sell at a price below their own inventory price. It is little wonder that these commissaries sell such a tremendous volume of milk.

Also, under military regulations, the milk purchased at a commissary is supposed to be utilized solely by service personnel and certain designated civilian personnel. However, these regulations have never been enforced and it is quite common for a service man or designated civilian living within a community to purchase milk at the commissary in large quantities and return to the community and distribute same to the entire

neighborhood in which he lives. This creates instability and chaos within the entire city in which the military installation is located. This not only places the federal government in direct competition with private enterprise, which in itself is contrary to fundamental principles of law, but in addition gives this same federal government a tremendous price advantage in competition with such private enterprise.

The Hoover Commission found 199 commissaries in the United States doing $185,000,000.00 worth of business when it investigated those installations in 1954. In 1958, Defense Department Commissaries in the United States numbered 283, with an annual business volumn of $366,400,000.00. Pointing out that commissaries were originally established so that military personnel and specified civilian employees could obtain food stuff, "when such goods were not otherwise obtainable", the Commission's report said, "However, commissary operations have continually expanded to the extent that today (1954) they present a real problem of government competition with private enterprise in many metropolitan localities." Seven years after these words were written, the commissary problem, despite efforts of the Congress to provide a remedy, has increased by 42 percent in terms of numbers, and 98 percent in terms of volume. In terms of unfair, unnecessary and genuinely destructive competition, the problem has more than kept pace with the statistical growth.

To many fluid milk distributors, commissaries constitute the most devastating kind of competition. Although commissary service is limited theoretically to military and specified civilian personnel, in practice the no-limit rule on amount of purchases and the difficulty of screening the customers, makes a mockery of these

regulations. This situation, coupled with prices that run from 10 to 23 cents per gallon below street prices, creates a competitive force that is destroying some milk distributors and is bringing others dangerously close to the brink of financial bankruptcy. The commissaries on military installations in the United States, created originally as a kind of fringe benefit for the $30.00 a month soldier, have grown to the point where, in some communities, they are a major factor in the grocery business, and the roughest kind of competition.

There are three principal ways in which commissaries become competitors of established milk distributors and established grocery stores. In some communities where there is an extensive military installation, the commissary is the major grocery store. The second competitive point is the establishment of what amounts to a price standard. The commissary price is usually well known in a community. Customers ask, "Why, if the commissary price is 35 cents, do you charge 47 cents?" This gives the impression to the consumer that the dairy industry is profiteering and in many cases the retail milk business in a particular market has been seriously injured.

The third and most devastating kind of competition develops when merchandise goes into civilian channels. The rules on the operation of commissaries issued by the Defense Department are elaborate and extensive, and are contained in a book about the size of an encyclopedia.

The rule on persons eligible to be served states that the Commissary shall sell only to base personnel; however, visitors to the homes of base personnel are also included, as well as visiting and retired military personnel in the area. There is no limitation on the number or value of the purchases that each customer may make.

In some cases efforts are made to screen customers so that only those entitled to commissary service are allowed to use the store. Other commissaries do very little in this area. Actually, it makes little difference, because a person entitled to a commissary privilege can purchase for friends. As a result, either through direct purchase or through a friend making the purchase, commissary merchandise is not confined to base personnel, but gets into civilian channels in direct competition with established distributors.

The problem is a complex one. Commissaries were not created to make money. They are operated by government employees paid out of tax money, and their mark-up is supposed to cover shrinkage, and not operating costs. It is difficult to distinguish between those who have commissary privileges and those who do not have them, and, since there is no limit on purchases, such a distinction would not make a great deal of difference in any event. Thus, we find a serious situation where government stores maintained by tax money sell merchandise at ridiculously low prices in direct competition with stores and milk distributors who pay the taxes that keep the commissaries in business.

The concept of a commissary as a fringe benefit, while its value is debatable, certainly can be defended. But the commissary as a store supported by public funds in competition with established firms is something else again. Perhaps the strangest contradiction in this contradictory situation is the fact that Congress specifies year after year that no appropriation will be spent for the operation of commissaries in the United States unless the Secretary of Defense certifies that satisfactory items normally procured from such stores are not avail-

able within a reasonable distance from the base and at a fair price.

(5)

THE PROBLEM OF FEDERAL-STATE RELATIONSHIPS IN SIMILAR FIELDS OF ACTIVITY

Although this particular case involves the sale of milk to federal agencies, there are numerous related fields of State legislation which are recognized and required to be observed by federal agencies, in which cases the contractor must certify to the federal government that he has complied with certain state laws, such as minimum wage requirements, quality of construction, and various other matters which result in an increase in the price of product or service being furnished to the federal government. Government contractors can be required by the state to pay sales and use taxes upon materials used in a cost-plus fixed fee contract, *Alabama v. King & Boozer*, 314 U.S. 1, *Curry v. United States*, 314 U.S. 14, and to pay a nondiscriminatory advalorem tax on their possessory interest in government owned materials and equipment, *City of Detroit v. Murray Corp.*, 355 U.S. 489. The effect of these working and wage provisions and the impact of these taxes serve to increase the cost of goods and services purchased by the government. This being so, there is good reason for the respective states, acting to protect the public health, to require distributors selling milk to the United States to adhere to its minimum price requirements.

The contention of the Mississippi Milk Commission is in harmony with the recommendation of President Eisenhower's Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the State. This Committee, in its report stated:

"With respect to the large bulk of federally owned or operated real property in the several states and outside of the District of Columbia, it is desirable that the federal government not receive, or retain, any measure whatever of legislative jurisdiction, but that it hold the installations and areas in a proprietorial interest and status only, with legislative jurisdiction remaining in the several states." Report of the Interdepartmental Committee for the Study of Jurisdiction over Federal Areas within the States, Government Printing Office, Volume 1, 1956, page 70.

The United States is apparently contending that the United States has complete sovereignty over the territory involved and that the law of Mississippi or any other state as to such territory is as "foreign as is the law of China" (Mr. Justice Frankfurter dissenting, *Pacific Coast Dairy vs. Department of Agriculture*, supra). The effect of this contention would be to deprive the residents of such territory of the privileges of state citizenship. For example, this would affect the rights of residents of such areas to have their children educated in the public schools, to vote, to hold public office, to sue for divorce, or to have their persons, property or affairs subject to probate in the state courts. Similarly, a state could, if it chose to do so under this theory, deny such a resident the privileges granted only to state citizens, such as the right of employment by the state or local government, the right to receive a higher education at a state institution at a favorable tuition, the right to acquire hunting and fishing licenses at low cost, a right to receive visiting nursing service and care in county hospitals, and the right to receive the services of local departments of health. It is quite apparent that the residents on these federal installations would be will-

ing, and in fact, would demand, the acknowledgment of their "rights" of state citizenship but that these same persons are unwilling and refuse to accept the "responsibilities" of such citizenship.

(6)

THE LEGAL PRINCIPLES INVOLVED IN THIS CASE

The legal authorities hereinafter cited, in relation to this problem of sale of milk to federal agencies, usually deal with two principles or theories of law, which are as follows:

(1) The question of jurisdiction over the federal enclave—whether the federal or state government exercises exclusive jurisdiction or both of them exercise concurrent jurisdiction over this federal territory. Article I, Section 8, Clause 17 of the Constitution of the United States, in effect provides that land cannot be acquired by the federal government without the consent of the state, which means that the federal government acquires only such jurisdiction as is ceded to it by the state. The statutes of each particular state which were in effect at the time of the acquisition of the property concerning the cession of jurisdiction by the state are appropriate in determining this question.

(2) The supremacy clause of the United States Constitution, which states that statutes of the United States Congress shall be supreme and must prevail over any state law which conflicts therewith, Article VI, Clause 2, Constitution of the United States. If there is no conflict between the state milk control regulations and the applicable federal procurement act concerning this particular sale of milk, then the state regulation would stand since there is no conflict with the federal act.

The State of Mississippi concurs with the position taken by the State of California on both of the legal principles above named and believe same to be fully supported by competent legal authority, including previous decisions of the Supreme Court of the United States and particularly the case of *Penn-Dairies, Inc., et al v. Milk Control Commission*, 318 U.S. 261, 63 S.Ct. 617, 87 L.Ed. 748 (1943). In that case this Court stated that in the absence of Congressional consent there is an implied constitutional immunity of the federal government from state taxation and from state regulation of the performance by federal officers and agencies of governmental functions, but that those who contract to furnish supplies and render services to the government are not such state agencies and do not perform governmental functions. The mere fact that non-discriminatory regulation of the contractor imposes an increased economic burden on the government is no longer regarded as bringing the contractor within any implied immunity of the government from state taxation or regulation. The Constitution presupposes the continued existence of the states functioning in coordination with the national government, with authority in the states to lay taxes and to regulate their internal affairs and policies and that state regulations like state taxation inevitably imposes some burdens on the national government of the same kind as those imposed on citizens of the United States within the state borders.

To establish a conflict under the supremacy clause of the Constitution, the United States relied upon the Armed Forces Procurement Act which required competitive bidding in the purchase of supplies for the Army. The Supreme Court held that said statutes, being the federal statute and the state statute, are wholly consistent with

the continued existence of such price regulations, and with the acceptance by government officers of the regulated price where that is the lowest bid, or the omission of competitive bidding in circumstances where local price regulations render it "impracticable to secure competition". Since the Armed Forces Procurement Act eliminated the requirement of competitive bidding where it was "impracticable to secure competition", the Court held that there was no conflict under the supremacy clause.

Even if it were to be construed that the federal government had exclusive jurisdiction over the military or other federal installations, a violation of the orders of the Mississippi Milk Commission or the price fixing orders of any of the other states are made misdemeanors under state law, and the criminal laws of the State would be operative therein by virtue of the Assimilative Crimes Act, 18 U.S.C. 13, which provides as follows:

> "Whoever within or upon any of the places now existing or hereafter reserved or acquired as provided in Section 7 of this title, is guilty of any act or omission which, although not made punishable by any enactment of Congress, would be punishable if committed or omitted within the jurisdiction of the State, Territory, Possession, or District in which such place is situated, by the laws thereof at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment."

The effect of this statute is to make state criminal laws effective upon federal installations and the federal government thereby adopts the state laws as its own. Although this may be a matter of enforcement by federal officials, certainly it cannot be denied that a sale

of milk below the minimum prices set by the Mississippi Milk Commission, would be a violation of federal law and therefore any court would be bound to observe this federal law in any federal proceeding. At this point it should be again noted that the State of Mississippi would enforce the provisions of the Milk Commission Act against the licensee of the Commission, being the milk dealer or handler, and not the federal agency itself. Also, the Supreme Court of the United States has specifically held that the Armed Forces Procurement Act is not in conflict with state milk regulations. Therefore, a bid submitted by a milk dealer or handler to a federal agency at below the minimum prices fixed by the Milk Commission would not only be a violation of state law but would be a violation of federal law as well.

Previous enactments of the Assimilative Crimes Act specified a certain date therein which meant that state laws enacted after said date were not assimilated, and previous court decisions so held. The statute as enacted in 1948 omits the specification of any date which not only would adopt previous state laws but will authorize the federal courts to assimilate future state laws. In other words, the federal statute as now enacted makes offenses committed on such federal reservations the law of the place that would govern if the reservation had not been ceded to the United States.

III.

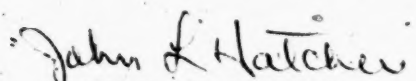
CONCLUSION

Therefore, the State of Mississippi concurs with the State of California as to the legal questions involved in this case, and it is respectfully requested that this Court give this matter its utmost and careful consideration as the decision in this case will have a profound

effect upon the dairy industry and the members of the consuming public within the State of Mississippi.

Respectfully submitted,

JOE T. PATTERSON
Attorney General of the
State of Mississippi

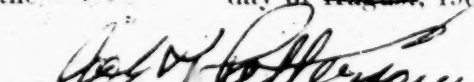


JOHN L. HATCHER
Attorney for the
Mississippi Milk Commission

CERTIFICATE OF SERVICE

The undersigned, as Attorney General for the State of Mississippi, do hereby certify that a true and correct copy of the foregoing amicus curiae brief on the jurisdictional statement was this day deposited by me in a United States Post Office or mail box, with air mail postage prepaid, addressed to the Solicitor General, Department of Justice, Washington 25, D.C.

This the 7th day of ~~August~~ September, 1961.



Joe T. Patterson, Attorney
General for the State of
Mississippi